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3605 HIGHWAY 52 NORTH
ROCHESTER, MN 55901-7829

EXAMINER

PHAM, MICHAEL

ART UNIT	PAPER NUMBER
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2167

MAIL DATE	DELIVERY MODE
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12/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/757,793

Applicant(s)

ALBORNOZ ET AL.

Examiner

Michael D. Pham

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-13 and 25-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-13 and 25-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Detailed Action

1. In view of the appeal brief filed on 9/6/07, PROSECUTION IS HEREBY REOPENED.
New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing at the end this office action.

Claim Status

2. Claims 1-8 and 14-24 have been cancelled.
3. Claims 9-13 and 25-29 are pending.

Claim Objections

4. Claim 9 is objected to because of the following informalities: Claim 9 recites "should be" in lines 4 and 7. It is unclear of the degree of the term. Whether it should be is not conclusive of whether it happens or not. It is therefore unclear.

5. Claim 25 is objected to because of the following informalities: Claim 25 recites "should be" in line 4. It is unclear of the degree of the term. Whether it should be is not conclusive of whether it happens or not. It is therefore unclear.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 9-13 and 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 7051275 by Gupta et. al. (hereafter Gupta), and further in view of U.S. Provisional Application 60/481003 by Glass filed Jun 20, 2003.

Claim 9:

Gupta discloses "annotations made for a current version of a document should be applied to a subsequent version of the document" [abstract, discloses each such annotations corresponding to each of the different versions of the multimedia document] and "annotations should be applied to

subsequent versions of the document." [abstract, discloses each such annotations corresponding to each of the different versions of the multimedia document].

Gupta does not explicitly disclose "selecting one or more annotation versioning policies dictating how annotations made" should be applied; and "allowing creators of annotations for a current version of a document to select one or more of the annotations versioning policies."

On the other hand, Glass discloses the following claimed limitations:

"selecting one or more annotation versioning policies dictating how annotations made" should be applied [0166, line 6, referring to a document annotation policy. Accordingly, selecting one or more (referring to) annotation versioning policies dictating how annotations should be applied (document annotation policy) is disclosed.]

"Allowing creators of annotations for a current version of a document to select one or more of the annotation versioning policies to dictate how annotations made"[0063, a system administrator or service provider configures and stores at least one document annotation definition at the server computer. A document annotation definition, once configured and stored, provides a structure for the method by which documents are annotated. Accordingly, allowing creators of annotations (administrator or service provider) for a current version of a document to select one or more annotation versioning policies (configures and stores at least one document annotation definition) to dictate how annotations made should be applied (provides structure for the method by which documents are annotated) is disclosed.]

Both Gupta and Glass are directed to an annotation system, and are therefore well within applicant's field of endeavor. It would have been obvious to a person of an ordinary skill in the art to have applied the disclosure of annotation policies by Glass above for the purpose of saving time and effort for an annotation system. In doing so increases document management functions for not only multiple documents but for different versions of documents as well.

Claim 10:

Gupta discloses "the method of claim 9, wherein at least one of the annotation versioning policies dictates that annotations made for a current version will not be applied to subsequent versions of the document." [Col. 13 lines 34-36, allowing the creator of the set to identify which users are able to read and/or write to the annotation set].

Claim 11:

Gupta discloses "the method of claim 9, wherein the one or more annotation versioning policies selected are applied at the document level, to all annotations created for a document." [Col. 13 lines 34-36, allowing the creator of the set to identify which users are able to read and/or write to the annotation set].

Claim 12:

Gupta discloses "the method of claim 9, wherein at least one of the annotation versioning policies dictates that an annotation created for a current version of a document will be applied to

subsequent versions of the document.” [Col. 13 lines 34-36, allowing the creator of the set to identify which users are able to read and/or write to the annotation set].

Claim 13:

Gupta discloses “the method of claim 9, wherein at least one of the annotation versioning policies dictates that an authorized user must validate an annotation created for a current version of a document before the annotation is applied to subsequent versions of the document.” [Col. 13 lines 21-24, this presentation allows, for example, the user to verify the portion of the media stream to which his or her annotation will correspond.]

Claim 25:

Gupta discloses the following claimed limitations:

“annotation created for one version of a document should be applied to one or more subsequent versions of the document” [Gupta abstract, annotations corresponding to different versions of the multimedia document]

“and providing an interface allowing a user to select one or more of the available annotation policies to be applied to the annotation”[Col. 13 lines 25-30, Annotation set identifier 272 allows the user to identify a named set to which the new annotation will belong. This set can be a previously defined set, or a new set being created by the user. Selection of the particular set can be made from a drop-down menu activated by selection of a button 273, or alternatively can be directly input by the user]

Gupta does not explicitly disclose “defining a set of available annotation policies, each dictating how annotations” are applied.

On the other hand, Glass discloses the following claimed limitations:

“defining a set of available annotation policies, each dictating how annotations” are applied [0166, line 6, referring to a document annotation policy. Accordingly, defining a set of (referring to) available annotation policies, each dictating how annotations should be applied (document annotation policy) is disclosed.]

Both Gupta and Glass are directed to an annotation system, and are therefore well within applicant's field of endeavor. It would have been obvious to a person of an ordinary skill in the art to have applied the disclosure of annotation policies by Glass above for the purpose of saving time and effort for an annotation system. In doing so increases document management functions for not only multiple documents but for different versions of documents as well.

Claim 26:

Gupta discloses “the method of claim 25, wherein defining a set of available annotation policies comprises associating one or more annotation policies for use with annotations made for a certain type of document.” [Col. 9 lines 56-58, annotations could be associated with (or “anchored” on) specific objects in the video content, or specific events in the audio content.]

Claim 27:

Gupta discloses “the method of claim 25, wherein the annotation policies provided to the user in the interface is determined, at least in part, on a credential of the user.” [Col. 13 lines 34-36, allowing the creator of the set to identify which users are able to read and/or write to the annotation set].

Claim 28:

Gupta discloses “the method of claim 27, wherein the annotation policies provided to the user in the interface is determined, at least in part, on a type of document associated with the annotation.” [Col. 12 lines 15-16, Annotation toolbar 240 includes various identifying information and user-selectable options 242 254.].

Claim 29:

Gupta discloses “the method of claim 25, wherein defining a set of available annotation policies comprises defining the set of available annotation policies by an administrator, wherein the administrator and the user are different entities.” [Col. 13 lines 34-36, allowing the creator of the set to identify which users are able to read and/or write to the annotation set].

Response to Arguments

8. Applicant's arguments with respect to claims 9-13 and 25-29 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael D. Pham whose telephone number is (571)272-3924. The examiner can normally be reached on Monday - Friday 9am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571)272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner *M.P.*

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CY

John Cottingham
Art Unit 2167
Supervisory Patent Examiner

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